

Message Text

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C O N F I D E N T I A L STATE 054669

USIAEA

FOLLOWING REPEAT NEW DELHI 2908 SENT ACTION SECSTATE FEB 23.

QUOTE EC O N F I D E N T I A L NEW DELHI 2908

FOLLOWING RECD FM BOMBAY DATED FEB 22, 1978 BEING RPTD TO YOU

QUOTE

C O N F I D E N T I A L BOMBAY 444

E.O. 11652: GDS

TAGS:PARM, TECH, MNUC, ENRG

SUBJECT: CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

REF: STATE 18745

1. SUMMARY. DURING HOUR-LONG REVIEW OF U.S. PROPOSALS FOR
CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL IAEC
CHAIRMAN SETHNA FREQUENTLY VOICED THEME THAT "WE SHARE YOUR
OBJECTIVES, BUT DISAGREE ON APROACH." MOST IMPORTANTLY
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SETHNA SAYS THAT GOI DOES NOT BELIEVE THAT THE CONVENTION
SHOULD INITIALLY ADDRESS PROTECTION OF DOMESTICALLY PRO-
DUCED AND USED NUCLEAR MATERIALS. GOI PREFERS
THAT CONVENTION INITIALLY BE LIMITED TO INTERNATIONAL
SHIPMENTS AND TRANSIT ARRANGEMENTS. REASONS ARE BOTH
TECHNICAL AND POLITICAL. GOI BELIEVES THAT "LCD" (LOWEST
COMMON DENOMINATOR) AND "TRANSPARENCY" ISSUE REPRESENT

SEVERE TECHNICAL PROBLEMS. BUT THERE ARE ALSO SUBSTANTIVE POLICY OBJECTIONS WHICH SETHNA BELIEVES COULD NOT BE OVERCOME IN CURRENT ENVIRONMENT. OBJECTIONS CENTER ON IMPLICIT INSPECTION, LIKELIHOOD OF A SMALL INITIAL NUMBER OF SIGNATORIES AND PROBABILITY THAT SOME IMPORTANT NUCLEAR COUNTRIES WOULD NOT SIGN. END SUMMARY.

2. SETHNA, ASSISTED BY DR. RAMANIAH, WHO WAS MEMBER OF INDIAN DELEGATION TO FIRST MEETING IN VIENNA ON PHYSICAL PROTECTION CONVENTION, GAVE CONGEN AN HOUR-LONG EXPOSITION OF INDIA'S POSITION ON U.S. PROPOSALS ON FEBRUARY 17. SETHNA STRESSED THROUGHOUT DISCUSSION THAT THERE IS NO DISAGREEMENT BETWEEN INDIA AND U.S. ON THE OBJECTIVE OF INTERNATIONAL ACTION TO IMPROVE THE PHYSICAL SECURITY OF ALL NUCLEAR FACILITIES AND MATERIALS. HE POINTED OUT THAT THE IAEA RECEIVED A U.S. TEAM ON PHYSICAL SECURITY, EVEN GIVING IT ACCESS TO ITS PLUTONIUM REPROCESSING PLANT. SETHNA STRESSED THAT INDIA REMAINS READY TO COOPERATE WITH ALL RESPONSIBLE NUCLEAR NATIONS BUT SEES CONSIDERABLE RISK IN PREMATURELY PUSHING AHEAD WITH A GRAND DESIGN FOR PHYSICAL SECURITY WHICH IS NOT CAPABLE OF WINNING ESSENTIAL SUPPORT.

3. SETHNA BELIEVES THAT SINCE EVERYBODY RECOGNIZES CONFIDENTIAL

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THE NEED FOR IMPROVING CONTROLS ON INTERNATIONAL SHIPMENTS AND TRANSIT THIS IS THE PLACE TO START. IN HIS VIEW, THERE IS REASON TO BELIEVE THAT ONCE A GOOD INTERNATIONAL CONTROL SYSTEM IS IN PLACE, CONTROLS OVER DOMESTICALLY PRODUCED AND USED MATERIALS WILL ALMOST NECESSARILY FOLLOW. SINCE INTERNATIONAL SHIPMENTS ORIGINATE, PASS THROUGH OR END UP IN INDIVIDUAL COUNTRIES, ALL SIGNATORIES WILL HAVE TO ADAPT LAWS TO MAKE THE INTERNATIONAL CONTROL SYSTEM EFFECTIVE. THESE LAWS WILL IN MOST CASES NECESSARILY EXTEND TO DOMESTICALLY PRODUCED NUCLEAR MATERIALS. THUS, THERE WILL BE A SPILL OVER EFFECT ON DOMESTIC PROGRAMS AND IT WILL BE EASIER AT A LATER STAGE TO EXTEND THE PHYSICAL PROTECTION PROGRAM.

4. SETHNA SAID THAT INDIA CAN ACCEPT WHOLEHEARTEDLY POINT B OF PARA 2 OF REFTTEL AND POINTS C AND D FOLLOW AUTOMATICALLY. SO WE ARE ONLY IN DISAGREEMENT ON POINT A, I.E. ADEQUATE DOMESTIC SECURITY.

5. GOI OBJECTIONS TO INCLUSION DOMESTICALLY PRODUCED AND USED NUCLEAR MATERIALS WITHIN SCOPE OF CONVENTION

INCLUDE THE LCD PROBLEM. SETHNA BELIEVES THAT THE MINIMUM INTERNATIONAL STANDARDS WOULD BE LESS THAN THOSE APPLIED IN ANY SINGLE COUNTRY. FOR EXAMPLE, INDIA RELIES HEAVILY ON MANNED CONTROL SYSTEMS WHILE THE U.S. GOES IN FOR SOPHISTICATED ELECTRONIC SYSTEMS, REFLECTING DIFFERENT COSTS AND EMPLOYMENT POLICIES. HIS SECOND TECHNICAL OBJECTION IS WHAT HE CALLS THE TRANSPARENCY PROBLEM. HE BELIEVES THAT IN SPELLING OUT THE CONTROL SYSTEM, ONE NECESSARILY GIVES AWAY A LOT OF USEFUL INFORMATION TO POTENTIAL TRANS- GRESSORS. THE INDIAN SECURITY SERVICE, HE SAID, WOULD HAVE STRONG OBJECTIONS TO SUCH AN APPROACH. HE ALSO SEES A PROBLEM IN "LEAKAGE THROUGH INSPECTIONS." AS SETHNA HAS POINTED OUT MANY TIMES THE IAEA IN- CONFIDENTIAL

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SPECTORS OFTEN COME FROM COUNTRIES WHOSE TECHNOLOGY IS SIGNIFICANTLY BELOW IMPORTANT NUCLEAR THRESHHOLDS. HE BELIEVES SUCH INSPECTORS PROVIDE A BUILT-IN RISK FOR PROLIFERATION.

6. ON THE POLICY SIDE SETHNA THINKS THAT THERE IS AN IMPLICIT PROBLEM ARISING FROM THE NEED TO IN- SPECT AND VERIFY PHYSICAL CONTROL SYSTEMS. SINCE A NUMBER OF COUNTRIES WOULD NOT BE PARTICIPATING UNDER CURRENT CIRCUMSTANCES, THERE WOULD BE STRONG POLITICAL OBJECTIONS IN INDIA TO THE INSPECTIONS OF ITS CONTROL SYSTEMS. SUCH AN INSPECTION SYSTEM IN HIS VIEW WILL HAVE TO AWAIT MORE PROGRESS TOWARD ELIMINATION OF THE INHERENT DISCRIMINATION BETWEEN WEAPON STATES AND NONWEAPON STATES.

7. SETHNA ALSO SAYS THAT AS LONG AS OTHER IMPORTANT NUCLEAR COUNTRIES SHARE THESE OBJECTIONS TO IN- CLUDING DOMESTIC FACILITIES WITHIN THE SCOPE OF THE CONVENTION, INDIA CANNOT GET OUT IN FRONT OF THIS ISSUE. SETHNA HOPES THAT THE QUESTION OF COVERING MILITARY NUCLEAR MATERIALS CAN BE FINESSED BY MAKING COVERAGE IMPLICIT. THIS WOULD BE ACCOMPLISHED BY AVOIDING THE USE OF THE WORDS CIVILIAN AND MILITARY IN DEFINING NUCLEAR MATERIALS. HE SAID THAT PROBLEMS WOULD ARISE FOR INDIA IF WE ATTEMPTED TO SPECIFICALLY EXCLUDE MILITARY SHIPMENTS BECAUSE MANY WOULD ARGUE THAT IT IS IN THIS AREA THAT THE MOST IMMEDIATE AND GREATEST DANGERS LIE.

8. COMMENT: IT IS CLEAR THAT THE GOI HAS STRONG RESERVATIONS ABOUT THE U.S. PROPOSAL. FROM PRECEDING IT ALSO CLEAR THAT CONGEN HAD LITTLE SUCCESS IN CONFIDENTIAL

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MOVING IAEC TO U.S. POSITION ALTHOUGH WE ARGUED
EVERY POINT DRAWING ON REFTEL AND ON OUR VIENNA
IAEC MISSION'S REPORTS. ONE PROBLEM IN THIS EX-
ERCISE WAS A LINGERING DOUBT ABOUT WHETHER SETHNA
FULLY REVEALED GOI'S BASIC OBJECTIONS.
SETHNA'S REASONING IS PLAUSIBLE BUT ONE CANNOT
HELP BUT WONDER WHETHER A MORE FUNDAMENTAL OB-
JECTION DOES NOT STEM FROM SAME RELUCTANCE TO OPEN
ALL FACILITIES TO INSPECTION THAT MAKE THE INDIANS
SO RESISTANT TO FULL-SCOPE SAFEGUARDS.
COURTNEY UNQUOTE GOHEEN
UNQUOTE CHRISTOPHER

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